IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 49 OF 2005

SHRI ASHOK B.SARDESSAI,PANAJI GOA. ....Petitioner

Versus

DATTARAM V.PHADTE AND ANR., ...Respondents

Shri E. Dias, Advocate for the petitioner.

Coram:- R. M. LODHA, J.

Date:- 6th October, 2005

P.C.

Heard Mr. E. Dias, the learned Counsel for the petitioner.

It is not in dispute that the application for grant of temporary injunction was made by the present petitioner in the suit filed by him under Section 6 of the Specific Relief Act. The disposal of the application by the trial Court was not amenable to the appellate jurisdiction and, therefore, the Appeal Court cannot be said to have erred in dismissing the appeal.

As regards the legality and correctness of the order of the trial Court passed on 15.2.2002, I find that the trial Court has taken into consideration the available material and then found that the plaintiff-petitioner has failed to establish and prove the prima facie case in his favour.

The trial Court recorded the finding against the plaintiff-petitioner on the question of irreparable loss and the balance of convenience as well. I do not find any legal infirmity in the order of the trial Court warranting interference of this Court in its extra-ordinary jurisdiction.

However, looking to the controversy raised in the suit, the trial Court is expected to hear and decide the suit expeditiously

Writ petition is dismissed in limine.

R. M. LODHA, J.

ssm.